

Department of

OFFICE _____

STATION _____

No. 937

Dated _____

to whom sent

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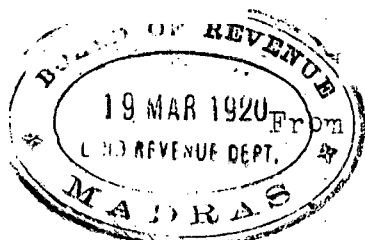
Not to be filled in the case of permanent --

Defalcations in the Udipi Sub Treasury.

Submitting further report in the matter of the -----
and stating that the final report cannot yet be submitted as
the matter is still under enquiry.

Ref.P.R.2437/Rev./19.

South Kanara Collector's Office,
Camp Udipi. 15th March 1920.



R. H. Ellis, Esquire, I.C.S.

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue, Madras

Sir,

In continuation of my letter Ref. on P.R.2437/Rev.19 -
dated 5th November 1919 and in reply to the Board's reminder -
dated 9th March 1920, I have the honour to state that I am not
yet in a position to submit a final report in the matter of --
the defalcations in the Udipi Sub Treasury, as the matter is -
still under enquiry.

2. Rupees 1,000 collected from one of the sureties has
been credited to the Treasury. Rs.31-1-0 which stood to the
credit of the deceased shroff in the Savings Bank at Udipi ---
have likewise been collected and credited to the Treasury. As
regards the amount of Postal endowment Assurance policy for --
Rs.500, the Certificate officer, 24 Parganas. Alinore. was ---
asked about the middle of December last whether the amount had
been collected. He replied on 2nd February 1920 that the ---
matter was under enquiry and that final reply would be sent in
due course I am reminding him again about this. With ----
respect to the duplicate copy of the missing share certificate,

P 48 to 30 of
B. 6 Am (D)
22-1-20

the Secretary of the Canara Banking Corporation, Udipi, stated that there was no objection, the issue of one, provided a bond of indemnity for Rs.50 with one surety was executed. The --- Government Pleader, Mangalore has been asked to send a draft - of the indemnity bond. Concerning the moveables and the house and garden attached, the shroff's widow has filed a suit ----- notice and has been asked through the Munsif of Udipi to -- adduce evidence in support of her claim to them. The matter has now been referred to the Government Pleader, Mangalore for his opinion as to whether the evidence collected is sufficient to support the contention that the house was the shroff's.

3. I shall see that no unnecessary delay occurs in ---- realising all that is possible to recover towards the ----- embezzled amount.

I have the honour to be,

Sir,

Your most obedient servant,

Almambra
16-3-20

For Collector.

Defalcations (South Kanara) - Udipi
Sub Try.

B-954/20-Q

Refer B-954/20-1 d 23-3-20

The Coltr is requested to submit his final report on the completion of his enquiry

Mun
20-3-20

22-3-20

2m 22/3/20

25/3

To the Coltr of South Kanara

25/3

23-3-20

M.S.R./16-3.

Compd. *K.L.*
16-3-20

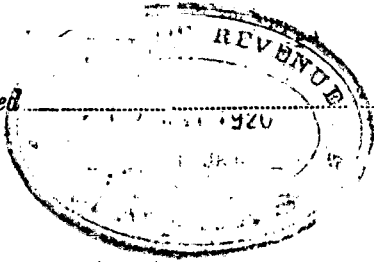
3-40m
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22/3/20

8
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16/3

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DEPARTMENT.

Received



191 .

Registered B. 1495 191 .

Subject.

Udipi Defalcation case.

Submitting further report re the ----- .

ENCLOSURES	
No.	5
Spare copies	

Ref. P.R. 2437/19.

Station Mangalore, Dated the 30th April 1920.

From (Name) R. H. Ellis, Esquire, I.C.S.,

(Designation) Collector of South Kanara

To The Secretary to the Board,
Land Revenue, Madras.

Sir,

In continuation of my letter Ref. P.R. 2437 Rev. of 1919 dated 15th March 1920, I have the honour to report the result of the enquiry held into the suit notice filed by the Shroff's widow with regard to -- house and garden and certain moveables attached for recovering the amount embezzled.

2. The Shroff's widow claims both the house and garden and a moiety of the moveables as her own and asserts that the garden was purchased and the -- house was built at her own cost.

3. The Divisional officer, Coondapoor -----

personally enquired into the Shroff's title to the ---
house and garden and reported that there was not ----
sufficient evidence with regard to the purchase of ---
garden by the Shroff but that there was in respect of
the house to prove that it was built by him - vide ---
copy of his report Ref. on C.C.No.646/19 dated 4th ---
June 1919 enclosed.

b9 cf

pp 7 to 16 below

4. As this enquiry was one-sided, as the widow
was not called upon to prove her claim, the Tahsildar
was at the suggestion of the Government Pleader, ----
Mangalore, asked to call upon her to produce evidence
in support of her claim.

5. The Tahsildar accordingly held a further ---
enquiry into the matter. During this enquiry the ---
widow produced a deed of settlement dated 20th -----
February 1914 and a deed of gift dated 30th August 1910
both executed by her mother. These documents show --
that her mother took care to make due provision for --
the daughter, as she was married into a family which -
had no means. She has also produced an amthamulgeni
lease deed dated 26th May 1916 executed in her favour
by one Krishna Upadhyaya in respect of the garden in ---
question. On the whole the evidence, both documentary
and oral shows that she had jewels and funds given by
her mother and that a portion of it was utilised in --
purchasing the garden and building the house - vide --
Tahsildar's report dated 4th February 1920, a copy of
which is enclosed.

pp 11 to 13 cf

6. The Government Pleader, Mangalore is of ----
opinion that in the face of the recital in the mulgeni
sale deed that the mulgeni right was acquired by her -
out of her stridhana funds, it would be difficult to -
hold that the husband had any sort of right over this
property. As regards the house, the same shall -----

p. 14 cf

p15ct
pp 145 17 ct
prima facie when the site belongs to her, it will be --
presumed that any building standing on it also bel --
to her and that it would be difficult to contest her --
claim to it in view of the fact that she was at the ---
time in possession of funds which admittedly were her -
own -- vide copies of his letter dated 5th October 1919
and 5th April 1920.

*Please see the list at
pp 2 to 5 in the enclosure
file (E)*
7. Concerning the moveables. all those that were
found in the house as per list enclosed were attached -
and, all of them excepting Nos. 33, 34, 37 to 39, 44 & 45 --
which represent cash amounting to Rs. 11-7-11 and -----
Nos. 62, 68, 74, 75, 85, 86, 87, which represent Government --
property and Nos. 79 to 84 which represent diaries, note
books, Life Insurance Policies, and share certificates
were sold for Rs. 131-3-9. The widow admits that ----
articles Nos. 4 to 13, 20 to 24, 28, 30, 34 to 36, 40 to 43,
46 to 52, 54 to 75 & 78 to 87 belonged to her husband --
and says that the rest belong to her. The Government
Pleader says that some of the items like No. 26 & 25 ---
being jewels, generally worn by females, a presumption -
will be drawn by the Courts in her favour and item ----
No. 37 and some others consisting of cash can, in view -
of the fact that she was at the time possessed of -----
independent means of her own, be safely presumed to ---
belong to her. Taking these circumstances into -----
consideration and the trifling value of the moveables,
he is of opinion that her claim to them may also be ---
admitted.

8. I am of opinion that the widow's claim must be --
admitted. I solicit Board's orders whether the house
and garden may be released from attachment and whether
the value of the moveables claimed by her may be refund-
-ed.

9. I am enquiring whether the Head Accountant --

who has since died has left any property which can be attached and sold towards realising the balance of the embezzled amount. I shall submit a separate report - about this after the enquiry is completed.

10. The records of enquiry held by the Divisional officer and the Tahsildar are enclosed for reference.

I have the honour to be,

Sir,

Your most obedient servant,

P. H. Mainbra
4-5

For Collector.

L. 3/5/20. — 4/5/20.

Letter from M.K.Ry. M. Anantan Nair, A.M., B.A.,
Revenue Divisional Officer, Coondapoor
Division.
To the Collector of South Kanara.
Dated Coondapoor, 4th June 1919.
No.-

With reference to your endorsement dated the --
28th May last on my endorsement report Ref. on D.O.No.
646/19 dated 25th May 1919 herewith resubmitted I have
the honour to submit herewith the records of enquiry -
and to state that I have gathered sufficient and -----
satisfactory evidence to prove that the house in -----
question was built by the late Head Shroff Dasappayya
at his cost.

2. The marginally noted three persons who are -

- | | |
|---------------------------------|---------------------|
| 1. Subbannacharia | timber merchants of |
| 2. Narashima Kamath | Udipi Town have --- |
| 3. Krishna Ramachandara Talpadi | stated that they -- |
| --- alias Appa Bhatta. | had sold timber to |
| | Dasappayya for the |

construction of the house in question and in support -
of their statements they have produced before me their
account books. I have kept these account books with -
me, as I thought that they are likely to be tampered --
with or suppressed afterwards in the event of a civil
suit which I am sure will take place as soon as we ---
attach the house and garden. The shanbhogue of -----
Krishnapur Mutt and Shivarama Karnika of Brahmavar ---
have given timber to Dasappayya, both gratis, I think,
though the latter says that he sold it to Dasappayya.
Shivarama Karnik's statement was recorded by the -----
Revenue Inspector of Brahmavar. Mr. Ramanna Shetty,
a District and Taluk Board member and one of the -----
partners of the Tile Works at Mabukal has stated that
Dasappayya had worried him with requests to give him -
some tiles free. It has not been possible to -----
ascertain from Mahabala Shetty who actually conducts -

the Tile Works whether tiles have been given free or sold at a concession rate to Dasappayya. I shall --- ascertain it later on. But the fact remains that -- Dasappayya had approached Ramanna Shetty with a ----- request for tiles for the use of the new house he has built at Kunji bettu. Again from the statement of -- Burde Laxminarayana Kamath and Kallasanka Manjunatha - Poi, both respectable and rich merchants of Udipi Town, it will be seen that Dasappayya had got transferred to his name - kuni purchased in auction by Kallasanka --- Manjunatha Poi for Rs. 27-8-0 on 16th April 1917 i.e., while the work of the house was going on, to meet the expenses of building the house. The statement of --- Vadiraja Saralaya, a close neighbour of Dasappayya --- will show that he had lent money to Dasappayya on ---- various occasions to meet the expenses of building the house in question. Chathu, a mason who did the stone work for this house has, I think, been gained over --- before I questioned him. But his statement would --- also clearly show that Dasappayya was taking keen ---- interest and was spending money for the purchase of -- materials for the house. It may be that Dasappayya -- having been engaged the whole day in the Taluk office the time of construction of the house being the Land - Revenue collection season, his wife was making pay- - ments to the workmen. This does not mean that she -- was paying her own money. Generally, a wife in the -- absence of the husband makes such payments. Clerk -- Padmenabhaya was also a neighbour of Dasappayya for -- many years and I understand was a close friend of ---- Dasappayya and his wife.. His statement would show -- that Dasappayya was collecting materials from Potails and others for building the house and was himself ---- supervising the work. The evidence of these persons in my opinion is enough to prove in a civil court if the matter is taken up to court that the house was ---

built by Dasappayya and at his cost.

3. As regards the purchase of the garden I have not been able to get much evidence except that of ----- Shame Rao who speaks that Dasappayya had borrowed from him Rs.50 on a pro-note telling him that it was ----- intended for the purchase of a mulgeni property. It is significant that this transaction was just about a month prior to the purchase of the garden in which the new house is built. Dasappayya has not purchased any other mulgeni property. Notwithstanding the ----- respectability of this witness it is likely to be ----- argued that he has given a statement to this effect --- with a view to recover his own money which has not been paid yet. The vendor of the mulgeni right has been -- gained over and I have not therefore examined him. One of the attesting witnesses to the sale deed namely ---- Vaidiraja Saralaya says that he does not know who paid - the consideration, whether Dasappayya or his wife.

4. I consulted the local Government Pleader about the legality of attaching the house and garden on the - strength of the evidence I have collected and he is of opinion that there is no objection to it though there - is not sufficient evidence with regard to the purchase of garden by Dasappayya. As I consider that the ----- attachment of the house alone would considerably weaken our case, I am taking steps to attach both the house and garden. Demand notice No.IV will be issued to the --- legal heirs of Dasappayya today.

5. Now as regards Dasappayya's caste everybody - whom I questioned says that he is an out-caste - his -- mother or some ancestors of his having been outcasted - from Konkani caste. It appears he originally belonged to Manjeshwar but there is nobody here who knows his -- previous history. He was calling himself a Konkani as his service register shows. His wife also is an out-caste Konkani of Miyar in Karkal Taluk. His wife's -- mother who is still alive and who lives now with her --

daughter was, when a widow, kept by a Brahmin of Mayal
Dasappayya's and his wife's mother tongue is konkani
He has now relatives among the Kadubettu people who are
all outcastes locally called Kunda Kolkars.

6. The available records of my office show that
Dasappayya was first entertained as an acting copyist -
on 19th May, 1899 in the Divisional office, Coondapoor -
and that he continued to act as such till the end of --
May 1902 when he was on 1st June 1902 appointed as 2nd
Shroff of the Udipi Taluk office where he continued as
2nd-shroff, as acting clerk and Head Shroff until his -
death.

7. The records of enquiry are submitted as per -
list.

/True Copy/

M. M. Mambre

For Collector.

main
4-5-20.

6/5

Report-from M.R.Ry. K. Raman Nayar, A.V.L., B.A.,
Tahsildar of Udipi Taluk.
To-the Collector of South Kanara, through the
Revenue Divisional officer, Coondapoor --
Division.
Dated-Udipi, 4th February 1920.
No.-Ref.C.No.3019 Sup.19.

As directed in your Memo. Ref.P.R.2437 Rev.19,
dated the 11th November 1919 I called on the widow of
late Dasappayya to produce her evidence to show that
the house and moveables belong to her. The -----
documents produced by her, her statement and the -----
statements of the persons whom she desired to be -----
questioned are enclosed.

2. The Mulgeni right in the garden in which the
house stands was purchased by the widow under a -----
registered sale deed dated 26th May 1916 (Exhibit A).
The Sub Registrar's endorsement on the sale deed shows
that the consideration was paid in his presence by one
Bhandary Venkata on behalf of the widow. This Venkata
says that the money was paid to him by the widow. The
deed of Settlement dated 20th February 1914 (Exhibit F)
shows that the widow had funds of her own which was --
settled on her by her mother and the recital in an ---
earlier document dated 30th August 1910 (Exhibit H) --
shows that the mother took care to make due provision
for the daughter as she was married into a family ----
which had no means. The widow has been paying -----
mulgeni rent to the mulgar who has been passing -----
receipts in her name (Ex.B,C & D). She claims that -
the mulgeni property was purchased out of her own ----
funds and I think there is evidence, documentary and -
oral, sufficient to establish her claim in a civil ---
Court.

3. The widow claims that the house was construc-
-ted by her out of her own funds. She has adduced --
oral evidence to show that she raised money for the --
construction of the house by selling and pledging her

jewels given her by her mother and that a portion of the property allotted to her under the deed of Settlement was utilised for the purpose. Oral evidence has also been adduced to show that the workmen employed -- in construction were paid by her. This evidence ---- by itself is not of any value as there is nothing ---- unusual in the wife making payments for the husband. As regards timber used for constructing the house, the widow says that she purchased through her son-in-law an old house in Hire Ballur for Rs.150 from one ----- Padmavathi Amma and in support of this transaction --- there is the oral evidence of the son-in-law and a --- permit dated 10th February 1917 (Exhibit G) both of -- which are not of much value. If, however, the trans- action is true, oral evidence might be forthcoming at Hire Ballur in support of it. The widow admits the purchase of timber from Subbannacharia through her --- husband and oral evidence has been adduced in support of the purchase by her of timber for Rs.50 from one -- Sagri Govinda Rao. The house is alleged to have been constructed with the timber received from these three sources. The widow says that the husband had brought for her two pieces of timber which she did not pay for but that these two pieces were found useless and were used as firewood. As regards tiles, she says that -- she got them from Halpe through her husband.

4. The widow had funds of her own and there is some evidence to show that a portion of these funds -- was utilised in building the house. On the other --- hand evidence has already been collected that ----- Dasappayya had purchased timber and raised money for the construction of the house. The widow's contention is that the timber was purchased out of her funds and that money was raised by the Chroff to meet his own li- abilities, the construction of the house being a --- plausible ground for raising funds. In view of the facts that the garden on which the house was built was

purchased and is enjoyed by the widow, that she had --- funds of her own and that a portion of these funds was withdrawn when the house was under construction, it is very doubtful whether we can hold on the evidence ----- already collected by us that the house was built by the Shroff at his cost.

5. A copy of the list of moveables attached is - enclosed. The widow admits that articles Nos. 4 to 13, 20 to 24, 28, 30, 34 to 36, 40 to 43, 46 to 52, 54 to 75 and 78 to 87 belonged to her husband and says that the ---- rest of the articles belonged to her. There is no --- evidence in support of this claim except the statements of the widow, her mother and her mother-in-law. But, -- if it is conceded that the house belonged to the widow, it will be difficult I think to prove that the articles claimed belonged to the late Shroff.

6. Of the moveables attached items 1 to 32, 35, 36, 40 to 43, 46 to 61, 63 to 67, 69 to 73, 76 & 78 were --- sold on 6th June 1919 for Rs. 131-3-9. Items 33, 34, 37 to 39, 44 & 45 represent cash amounting to Rs. 11-7-11. The sale proceeds, cash and items 62, 68, 74, 75, 85, 86, 87 & 79 to 84 have been kept in safe custody in the ----- treasury.

7. The confidential records received with your - Ref. P.R. No. 2437 Rev. dated 12th January 1920 are re-submitted.

/True Copy/

Abraham
4/5

For Collector.

min
4.5.20.

Letter-from A. J. Lobo, Esquire, B.L., B.L.,
Government Pleader.
To-the Collector of South Kanara.
Dated-Mangalore, 5th October 1919.
No.-138.

Replying to your letter R.O.C.No.2302/Rev.19 ---
received by me on 16th September 1919, I have the -----
honour to give the following opinion:-

1st point. The moveables were attached and ---
sold presumably as belonging to the deceased Shroff, -
Dasappaya. No evidence, however appears to have been -
recorded as to the actual ownership of these moveables.
It was all the more desirable that such evidence should
have been taken as a specific claim has been put -----
forward by the widow that all these moveables belong --
to herself and not to the deceased. Excepting in the
case of a few items such as wearing apparel which may -
well be said to belong to the deceased, there is -----
nothing to justify any such presumption in the case of
the other items, especially items 9,10,11,12,13,22 to -
29 - 30 to 60 and 75 to 84 which may as well have'-----
belonged to the wife as to her husband. Any way in --
the absence of any evidence it would not be possible to
hold one way or the other. The whole thing rests on -
evidence and when the widow in her petition offered to
prove and to adduce evidence that the said articles ---
were hers, an opportunity, in my opinion, should have -
been given to her to make good her contention.

2nd point. As regards the house and garden, --
the evidence recorded so far would show that the garden
was purchased by the widow from her own Strichana -----
amount. There is absolutely no evidence to the -----
contrary and in the face of the recitals in the -----
Muzenient, it would be difficult for Government to --
contend that the garden belonged to the deceased and as
such liable to be attached for the embezzled amount.

As regards the house, the evidence tends to establish -- that the deceased constructed the house from his own -- funds and that for his own use and of his wife and ---- children. It does not appear from the records that -- the widow possessed any means of her own to construct a house of such value or that she at any time advanced -- any amounts towards the construction of the building. It may be contended however by the widow that the ----- husband built the house for the benefit of herself and her children partly from his own earnings and partly -- from monies belonging to herself. Considering that -- the site belongs to her, a presumption may be drawn in -- her favour by the Courts that the husband might have -- intended the house for herself. Here again it is ---- regrettable that Petitioner was not called upon to make good her allegation that the house belonged to herself and not to her husband. I may add, however, that should in the contemplated suit by the widow it be satisfac- torily proved that all the monies in the construction of the house were spent by the deceased and that he at no time intended it for the benefit of his wife and ----- children, then of course, there is every probability of the Court holding that the house is liable for the ---- embezzled amount.

3rd point. Under the terms of the Security --- Bond, the Sureties have undertaken to indemnify Govern- ment against all loss arising from the acts and defaults of the Shroff and all damages due to any misconduct, -- neglect, omission or insolvency of the Shroff. There is nothing said in the Bond regarding the responsibility for the Double Locks or the Keys of the Treasury room. I am of opinion that the Sureties are clearly liable to make good the amount embezzled by the Shroff to the --- extent of Rs.1000/-.

All the enclosures to your reference under reply are herewith returned. I also return herewith the ---

Security Bond with its 2 documents.

/True Copy/

O. M. Mambra

For Collector.

4.5.20.

P.T.O.

Letter from A. J. Lobo, Esquire, B.A., B.L.,
Government Pleader.
To the Collector of South Kanara.
Dated Mangalore, 5th April 1920.
No. 81.

With reference to your letter Ref. on P.R.No. 2437 Rev.19 dated 9th March 1920, and in continuation of the opinion previously given by me, I have the ---- honour to state that a reference to Exhibit A, the ---- Mulgeni Sale Deed proves that the site on which the -- house sought to be attached stands, was purchased by -- the widow in her own absolute right. In the face of the recital in this document that the Mulgeni right -- was acquired by her out of her Stridhana funds, it --- would be difficult to hold that the husband had any -- sort of right over this property.

As regards the house, it is amply clear from -- the gift deed of 1910 and the Settlement deed of 1914 that the Shroff's wife was possessed of considerable - cash amounting to over Rs.1200 as also a landed ----- property settled on her under the said documents. Prima Facie therefore when the site belongs to her ---- it will be presumed that any building standing thereon also belongs to her. The mere fact that her husband has been helping her in the construction of the house and has been securing materials, would not in any way establish his own right to the house. The evidence - goes to show that in the construction of the present - house, she had secured the materials of an old house - which she had herself purchased, and that she had been

-7-

paying the wages of the workmen and also supervising -
the construction of the house and that she was at the
time as reported by the Tahsildar in possession of ---
funds which admittedly were her own. In these -----
circumstances it would be difficult, in my opinion, to
contest her claim to the house.

Next as regards moveables, the widow has admitted
that some of the items belonged to her husband. The
right of the widow to the remaining items of the -----
moveables may, in my opinion, well be conceded in her
favour. Some of the items like item Nos. 25 & 26 are
jewels generally worn by females, and a presumption --
will be drawn by the Courts in her favour. Item No. ²⁶ 27
and some other items consist of cash which in view of
the fact that she was at the time possessed of -----
independent means of her own can safely be presumed to
belong to her. Taking all the circumstances into ---
consideration, and the trifling value of the moveables
in question, I am of opinion that her claim to the same
may also be admitted.

return herewith all the enclosures that ----
accompanied your reference under reply.

/True Copy/

D. M. Ambekar
For Collector. 4/5/20

main
4.5.20.

DRAFT FOR APPROVAL.

Office.

Enclosures.

Despatch No.

When given to fair-copying

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When despatched

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22/5-

Reminder - I - 26-7-20

Register No. ¹⁴⁹⁵ B-7-57/20, dated Q

From Coltr - South Kanara

Subject.

Defalcation (South Kanara).
Kairi Sub Try

To

THE

Refce B-7-57/20-22/21

The house and garden may be released from attachment - and the value of the movables claimed by the widow of the late shroff may be refunded to her.

2. In none of his reports has the Coltr discuss the possibility of ^{recovering} ~~rec~~ ^{realising} anything towards the amount lost from the money due on the two policies of the Bharat Laxmi provident marriage fund shown as item 84 in the list

moveables seized in the house in which the late shroff lived. In the statement of the widow recorded at the foot of the list, she is shown to have admitted that those policies belong to her husband.

3. The Collis further report refers to the ^{in para 9 of his letter} is awaited then
20.5.20
21.5.20

2m
21.5.20

Subject.

C1839 B 167

Insurance policies:

Reporting about the ----- of the
Bharat Laxmi provident marriage fund.

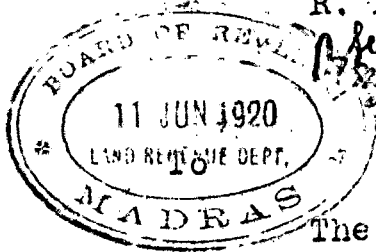
Ref on C No. 14 38 / Rew 19

South Kanara Collector's office,
Mangalore, 5th June 1920.

From

R. H. Ellis, Esquire, I.C.S.,

Collector of South Kanara.



The Secretary to the Board,

Land Revenue, Madras.

15. 7. 1920
Sir,

In reply to para 2 of the Board's reference ----
No.B.954/20-2, dated the 2.5.20 a.m., I have the -----
honour to state that the two policies of the Bharat ---
Laxmi provident marriage fund referred to therein are -
marriage endowment policies for the marriage of the ---
deceased Shroff's daughter, Rajivi Bai. These -----
policies are reported not to have matured, as their ---
amount is payable only at the time of or after the ----
marriage of Rajivi Bai. The daughter, Rajivi Bai ----
being the beneficiary in this case, the amount of the -
policies is not liable to be attached for the debts of
the deceased - please vide the Full Bench ruling of --
the Madras High Court reported in I.L.R.37 Madras at --
page 483.

2. The report called for in para 3 of the -----
reference will be submitted soon.

I have the honour to be,

Sir,

Your most obedient servant,

W. M. Ambekar
For Collector. *7.6*

min
7.6.20.

21

B 2455

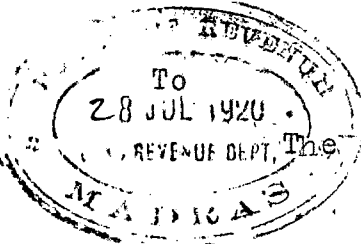
Ref. C. No. 1436/Rev/19.

South Kanara Collector's Office,
Mangalore, 24th July 1920.

From

R. H. Ellis, Esquire, I.C.S.,

Collector of South Kanara.

To
28 JUL 1920
REVENUE DEPT, The Secretary to the Board,

Land Revenue, Madras.

Sir,

Board's Reference No. B. 954/20-2 dated 21.5.1920 -

Defalcation - Udipi Sub Treasury.

I have already reported to the Board in my letter of --
the 15th March the collection of Rs. 31-1-0 which stood to the
credit of the deceased shroff in the Savings Bank at Udipi. In
my subsequent letter of 30th April I also informed the Board -
that some cash amounting to Rs. 11-7-11 and some moveables ----
found in his house were attached and the latter sold for -----
Rs. 131-3-9. The Board in its reference quoted above, having -
ordered the refund to the widow of the shroff the value of the
moveables claimed by her, the Tahsildar of Udipi has been ----
asked to refund to her the amount of Rs. 78-6-8 which represents
the value of these moveables and to credit the balance of ----
Rs. 64-5-0 to the Treasury. This is all that has so far been
realised from the effects of the shroff. Adding to this, the
sum of Rs. 1,000 recovered from one of the sureties of the ----
shroff, the total amount that has actually been recovered up
to date comes to Rs. 1,095-6-0.

2. In addition to this amount I also expect to realise
very soon Rs. 508-8-10 from the Postal Insurance Policy of the
shroff. The Certificate Officer of 24 Parganas, Alipore, has
already asked the Postmaster General, Madras, to pay me this. -

amount. But the Postmaster General has directed the -----
Postmaster, Mangalore, to pay me only Rs.8-8-10. This I ----
thought was due to some mistake and I wrote to the Postmaster
General to explain why he did not sanction the payment of the
entire amount of Rs.508-8-10. His reply is that he has -----
sanctioned the payment of Rs.500 to the Certificate Officer of
24 Parganas in accordance with his instructions. The receipt
of this amount from the Certificate Officer is awaited. There
is also no doubt about recovering the value of the three ----
shares of the Canara Banking Corporation. Udini. The face --
value of a share is Rs.50 and I understand they are selling at
par. The total value of these therefore comes to Rs.150. But
before I can sell them, I have to get a duplicate of one of --
the share certificates which is missing. As already reported
by me the Bank wanted an indemnity bond from me before they --
would issue the duplicate certificate. When a draft bond was
furnished to it for approval, the Bank asked me to satisfy it
that I have authority to bind the Secretary of State for India
in Council. I have drawn its attention to the Government ---
Notification No.195, dated 4th May 1905 and await its reply. I
must here mention that I have directed the Divisional Officer,
Coondapoor to release the shroff's house and garden from ----
attachment, as ordered by the Board.

3. Taking into account these two sums the recovery of -
which may be regarded as certain, there would still remain ---
Rs.688-2-0 to be collected. As stated in my letter dated ---
30th April 1920, I made enquiries as to whether the late Head
Accountant has left any property which could be attached and
sold towards realising the balance. I find, however, that he
has left nothing.

4. I am afraid that nothing more than Rs.1,753-14-10 as
detailed above can be recovered and it seems to me impossible
to hold the sub-Magistrate and much more so the Tahsildar ----

2442-0-10
31-1-✓
64-5-9
1000-0-0
508-8-10
150-0-0
1753-14-10
688-2-0

responsible for the balance in view of the decision already --
 passed by the Board in its reference 1157-19-2/Conf1.104, dated
 4th September 1919, on the Sub-Magistrate's case and in view -
 of the fact that the Tahsildar was in camp and the Sub-Magis-
 trate was holding the Tahsildar's keys during the period when
 the embezzlement took place.

M. M. M. M. M.
 26.7.20
 For Collector.

I. 4-10-20 *M*
 II. 18-10-20 *M*
 III. 2-11-20 *M*
 M. S. R. 726-
 26/7
 26/7/20.
 Defalcation (South Kanara) - Udipi Sub Try
 B. 2455/20 - Q
 Refce B. 954/20-3 24-8-20
 3.30pm
 3-45
 4/87
 3-45
 4/87

The boller is requested
 to submit proposals for writing
 off the balance when all possible
 recoveries have been made and the
 amounts credited to the treasury

M
 30.7.20
 2.8.20
 1
 4/8

2.8.20

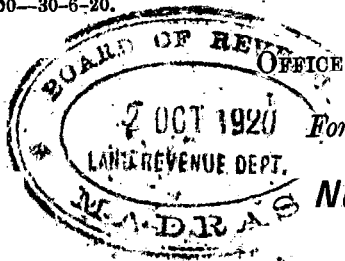
M
 To the boller of South Kanara

The Board has power to write off
 unrecoverable ^{sums} ~~amounts~~ of the nature
 under reference only up to Rs 500/
 for sums above this Govt will have
 to be addressed
M

Annexure to para 272
 Vol I of the Try. Manual
 on p

B 9th 24 B 3439

ENULOLURR.



OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS,

Fort St. George, 30th September 1920.

No. P.M.5-4-1779.9

From:

THE ACCOUNTANT-GENERAL.

MADRAS,

To

The Secretary

Board of Revenue Land Revenue Madras

SIR,

I have the honour to invite a reference to the correspondence ending with letter Reference C.No.1436 Revenue of 20 dated the 24th July 1920 addressed to the Board by the Collector of South Kanara, a copy of which was also forwarded to this Office by the latter, regarding the defalcation by the late head shroff of the Udipi Sub Treasury and to request that a copy of the final orders on the case when passed by the Board of Revenue may be kindly communicated to this Office.

As the Stationery Magistrate who held the Tahsildar's keys at the time of the defalcation appears also to be partly responsible for the loss, since under note 2 under para 10 of the Sub Treasury Manual he was answerable for the content

of the double lock receptacle and since under the instructional foot note in form XVII of the same manual, he was required to set his initials against the entry of each double lock transaction--Vide also in this connection para 8 of the Collector's confidential Report to the Board Ref on C.No.1438 Revenue of 19 dated 1st August 1919--I would require whether any disciplinary action has been or is proposed to be taken against him.

I have the honour to be,

Sir,

Your most obedient servant,

DyAc countant-General.

Sub Try, Udipt -

B. 3439/20 :- Q.

Refe B. 954/20-4 d) 9-6-20

7 copy of Board's Ref. N: 1157/19-2

(Conf 104) dated 4-9-19 will be furnished
communicated to the AG

The A.G. is informed that on receipt of the Collier's letter C. No. 1436 Rev of 20, dated 24-7-10

p23 The Board has called on him to submit pro- 23c
ct posals for writing off the balance when all possible
recoveries have been made and the amounts credited to
the Trs.

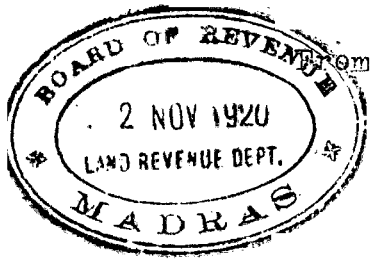
Here I

To the A.G. with a copy of BDO reference 1157/19-2 of 4-9-19

26

B 3880

R.O.C. 1436/Rev/19.

South Kanara Collector's Office,
Mangalore, 26th October 1920.

M.R.Ry. Rai Bahadur U. Rama Rao, Avl.; B.A.,
Ag. Collector of South Kanara.

To

The Secretary to Board,
Land Revenue, Madras.

Board's Reference No. B.954-20-3, dated 4-8-1920.
Defalcation - Udipi Sub-Treasury - Recoveries -
Intermediate reply.

The amount of the late Shroff's shares in the Canara --
Banking Corporation, Ltd., Udipi remains yet to be collected.
Though the nominal value of the three shares is Rs.150/- it --
is not known what amount they will fetch in the sale. One --
of the share certificates is missing and the Canara Banking ---
Corporation has been requested to issue a duplicate copy of --
the share certificate. It has not yet been received. As ----
soon as this is received, the share certificates will be sold -
in auction and on the realization of the sale amounts, the ---
amount to be written off will be reported to the Board.

D. M. M. B. I. A. R.
For Ag. Collector. 29.10

29 x 29
29 x 29.10

2 A

This may be filed with the connected papers
and the com^r next remainder, if necessary,
~~after~~ 6-12-20

Bv
4.11.20. *[Signature]*
4.11.20

27

It is requested that in future communications on the subject, the No. of date of this letter, and the distinguishing letters above the number as given opposite, may be quoted. The communications should be addressed to—

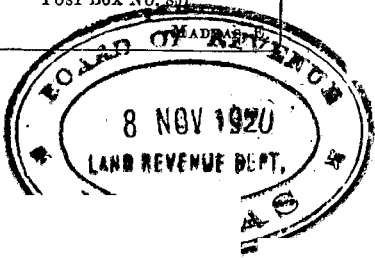
THE ACCOUNTANT-GENERAL,
Post Box No. 891

15 3861

OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS,

Fort St. George, the 6th of November 1920.

No. T.M.5-4-2797



FROM
W.D. Wollam, Esq.,
Offg. ~~THE~~ ACCOUNTANT-GENERAL,

MADRAS,

To

The Secretary,

Board of Revenue, Land Revenue,

Chepauk.

SIR,

I have the honour to acknowledge the receipt the Board's reference No.954/20-4 dated the 9th October 20 communicating to this office a copy of its reference .1157/19-2 (confidential 104) dated the 4th September 1929 passing orders regarding the share of the responsibility of the Sub Magistrate- Mr. R.Sive Row- in the Udipi defalcation case. It was held by the Board that the Sub Magistrate was not very seriously to blame in the matter and that, as an officer merely holding the keys of the Tahsildar, it was not to be expected, that he should ~~do~~ more than satisfy himself that the number of money bags and the bundles of notes received into the double-locks were correct. I am unable to agree with this view.

2. It will be seen from Article 612 and rules 1 & 2 under Art 305 of the Civil Account Code, Volume I, that it is ordinarily the duty of the Tahsildar, as Sub Treasury Officer, to check the contents of money bags and notes-bundles by actual weighing and count and to satisfy ~~himself~~ himself of their correctness before placing them under double

double locks. During the absence of the Tahsildar on tour his duties in the above respect naturally devolve upon the officer who is empowered to hold his keys and it is accordingly laid down in note 2 under para 16 of the Sub Treasury Manual that a Sub Magistrate in charge of the keys of the double lock receptacle should be answerable for its contents. The fact note in form No. XVII of the Sub Treasury Manual (shroff's daily balance sheet) requiring the Tahsildar or Stationary Sub Magistrate to make in his own hand and initial separately every entry relating to the money taken out or placed into the main store, also ^{enforces} ~~empowers~~ the above responsibility. In the case under consideration therefore, as rightly pointed out by the Collector of South Kanara in para 9 of his letter Ref on C. No. 1438/Rev/19 dated the 1st August 1919, the Sub Magistrate-Mr. Siva Row-clearly failed in his duties as holder of the Tahsildar's keys, and thereby facilitated the embezzlement. The hollowness of the Sub Magistrate's contentions and the correctness of the Collector's view was also pointed out by this office in letter No. T.M.3-20593 dated the 19th December 1919 in which certain amendments to paras 7 and 13 of the Sub Treasury Manual were suggested so as to define the duties of holders of Tahsildar's keys more clearly and unmistakably, and the Board has also approved of the amendments-(B.P. No. 6 of 22nd January 1920)

3: Having regard to the above facts, therefore, it does not seem to me that the disciplinary action taken against the Sub Magistrate, who is merely ^{censured} ~~concerned~~ for his negligence' is adequate. I would accordingly request that the Board may reconsider its orders in the light of the above facts and communicate to me the further action that it may be placed to take in the matter, as the case will be included in the next appropriation report and it will be necessary to satisfy the Comptroller-General as to the adequacy of the disciplinary action taken in the case.

I have the honour to be,
Sir,
Your most obedient servant,

Mr. S. B. Khan

0.20 pm
22/11/20

DRAFT FOR APPROVAL.

C.F. 20-4-2-14.

Office.

Enclosures.

Despatch No.

When given to fair-copying

Fair-copied by

Fair copy compared by

When despatched

SV
22/11/20

Register No. B 3961/20-2

From

Bd & R

Subject.

separation - utipi sub. Try.
Siva Row. R. M. R. S. Sub.
magistrate - disciplinary
action

To

THE

A. G.

Refce B 954/20-5 22-11-20

The Board Considers
that there is no need to
reopen the question.

20.11.20

22/11/20

To

De A. G.

20.11.20

30 B 4326

Ref.C.1436/Rev/20.

South Kanara Collector's Office,
Mangalore, 3rd December 1920.M.R.Ry. Rai Bahadur U. Rama Rao, Avl., B.A.,
Ag. Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue, Madras.

- 1 23 CF

Board's reference No. B 954-20-3, dated 4th August 1920.Defalcation - Udipi Sub-Treasury - Amount to be written
off -- reported.

In continuation of my report Ref.C.No.1436/Rev/19, dated

Ob 21-23
CF

24th July 1920, I have the honour to report that the amount of Rs.508-8-10 on account of the Postal Insurance Policy held by -- the late shroff has been collected and the three shares of the Canara Banking Corporation, Udipi of the face value of Rs.150/- have been sold for Rs.170/- which has been collected and ----- credited to the Treasury. Further a sum of Rs.12-6-4 has been realised on account of the value of mismatched notes. foreign - and counterfeit coins and the balance of undisbursed pay ----- belonging to the late shroff. Hence out of the amount of --- defalcation, viz., Rs.2,442-0-10, a sum of Rs.1,786-5-2 has -- been realised. As no further recoveries are possible, I ----- recommend that the uncollected balance of Rs.655-11-8 may be -- ordered to be written off.

recoveries

Rs. a/c.
31-1-0 }
64-5-0 } 121
1000-0-0 } CF
508-8-10 }
170-0-0 } 130
12-6-4 } CF
1786-5-2 ✓

Balance

655-11-8

D. P. Mantri

For Ag. Collector.

4.12.20

TCP.
4.12.20.M
4/12

DRAFT FOR APPROVAL.

Enclosures.

Despatch No.

When given to fair-copying

Fair-copied by

Fair copy compared by

When despatched

SN
17/12/20

Read again Office 22.1.20
B 954/20 + Repe 23.3.20
B 1495 + Repe 21.5.20
B 2455 + Repe 4.8.20
Register No. 34326/dated. 22.1.20

From

The Bd. & R

Subject.

Defalcation (S Kanara) - udipi

Sub try - Amount to be written off -
Sanction requested

To

THE

The Secretary to Govt R.D.

M.D.
16-XII-20

Repe B 954/20-68, 16-12.20.

N. 30. of

The Board requests the
Sanction of Govt. to write off
the accounts a sum of Rs. 655-11-2
which represents the uncol-
lected balance of the amount
embezzled in the Udipi Sub.
Treasury in 1919. The facts of
the case are given below.

On the 1st April 1919,
the Tahr of Udipi discovered
deficit of Rs 2442-0-10
the Sub Treasury. The Tahildar
informed the fact at once to
Zoller who submitted a report

to the Board immediately in the
~~matter~~ on receipt of a further
detailed report from the Collr
and on a careful consideration
of the facts of the case the Bd
held that the officer who failed
to make the actual detailed
check and thereby facilitated
the embezzlement was the
Taluk Head Accountant, who
was the Sub try officer ^{in the absence of} the
Tahildar ^{who} was ^{in camp} away on
tour between the 18th & 31st
March '19. The Collr reduced
the Head Accountant to a clerk's
post on Rs 25. The Bd Consider
^{a census was adequate punishment for}
~~that it should be sufficient to~~
~~ensure the Stationary Sub~~
Magistrate who held the ^{Taluk's} keys of
the Sub try during the Tahildar
absence on tour. ^{and was technically responsible}
~~He was severely~~
~~reproachfully censured for his failure~~
~~to exercise adequate supervision~~
~~on the transactions of the~~
~~Sub try.~~ The Head Shroff who ^{misappropriated the money}
~~was the culprit in the case~~
committed suicide.

The Collr was instructed
to recover the amount lost

~~to get it without delay. He made every attempt to make good the loss and~~
~~been able to recover~~
 the following amounts have been realised

Amount which stood to the credit of the Shroff in the Savings Bank at Udipi	14
Cash and moveables attached in ^{his} ~~the~~ house of the Shroff	31-
Amount recovered from one of the sureties of the Shroff	64. 5-
Amount recovered on account of ^a ~~the~~ Postal Insurance Policy held by the Shroff	1000-0
Amount realised from the sale of the shares held by the Shroff in the Canara Banking Corporation	5. 8.
Amount realised on account of the value of mismatched notes, foreign & Counterfeit Coins and the balance of undisbursed pay due to the Shroff.	170--
Total	12-1
	1786-5
Balance uncollected	655-11

The Collr reports that no further recoveries are possible. The Board requests therefore that the balance Rs 655-11-8 may be written off the ~~an~~ accounts.

V. S. Sanyal Secy Govt R.D.

17-12-20

11.12.20

2M 14/220

15/12



Sectt. II-28 (a)—29,692—11-2-21.

Received



Registered

P 4326/20-2
P 4326/20-2
P 2247 192

Ref. (M.R.)

Abstract.

Defalcation (South Kanara) -- Udipi sub-treasury -- Balance
uncollected -- Recovery from the Stationary Sub-Magistrate order

and to the Cdr of S. Kanara for information.
2. Proposals for the recovery of the un-
collected balance of Rs. 655-4-8 from M.R. Ry
R. Sivabalan should be submitted at an early date

REVENUE DEPARTMENT.

G.O. No. 1206

, dated the 31st May 1921.

ENCLOSURES.

No.

READ the following papers:—

From the Accountant-General, No.T.M.5-4-2864, dated the 6th November 1920. p 37.58

From the Board of Revenue, Land Revenue, Reference No.B.954-20-6, dated the 16th December 1920. p 31 cf

From the Accountant-General, No.T.M.5-4-6763, dated the 20th December 1920. p 44 cf

Endorsement to the Accountant-General, No.6467 D/20-1, dated the 3rd January 1921. p 44 cf

From the Accountant-General, No.T.M.5-4-981, dated the 17th January 1921. p 44 cf

From the Accountant-General, No.T.M.5-4-5226, dated the 1st March 1921.

From the Accountant-General, No.T.M.5-4-11688, dated the 11th/12th May 1921.

ORDER:--

The Government have carefully examined the correspondence read above relating to the defalcation in the Udipi sub-treasury and are unable to accept the defence of the Stationary Sub-Magistrate M.R.Ry. R. Siva Rao that, as custodian of the treasury keys, he incurred no more responsibility than that of being present during the double

lock transactions. The Government agree with the Accountant-General that all the duties of the tahsildar as sub-treasury officer devolve on the officer holding his keys during his absence on tour and that, in the present case, the Stationary Sub-Magistrate clearly failed in his duties and thereby facilitated the embezzlement. The disciplinary action taken by the Board against the Sub-Magistrate is, in the opinion of Government, inadequate, and they accordingly direct that the uncollected Balance of the amount embezzled viz. Rs.655-11-8 should be recovered from him. The Board of Revenue is requested to make arrangements with the Collector of South Kanara for the recovery of the sum in such instalments as may be considered reasonable.

(By Order of the Governor in Council.)

E. S. L l o y d,

Acting Secretary to Government.

To

The Board of Revenue, Land Revenue.

" Accountant-General.

" Finance Department.

Forwarded to the

Board of Revenue

(By Order)

K. Venkatarman

Acting Senior Superintendent.

P.R.N.31/5/21.

7/15

From the Accountant-General, No.T.M.5-4-2864. dated the 6th November 1920:--

With reference to item 5 of the list of Financial Irregularities submitted with this office letter No.T.M.-23-67-18153 dated the 5th October 1920, I have the honour to forward herewith for the information of Government, copies of the correspondence noted on the margin*.

1. Extract of paras 7 to 10 of letter Ref.on C.No.1438/rev.19 dated 1-8-1919 (confidential) from the Collector, South Kanara, to the Board of Revenue.
2. Extract of para 4 of the Collector's letter Ref. C.No.1436/rev/19 dated 24-7-1920 to the Board of Revenue.
3. This office letter No.T.M.-5-4-17799 dated 1-10-1920 to the Board of Revenue.
4. Board's reference No.B-954/20-4, dated 9-10-1920.
5. This office reply No.T.M.5-4-2797 dated 8-11-1920.
6. Board's Proceedings No.6 of the 22-1-1920.

ENCLOSURES.

Extract of paras 7 to 10 of letter Ref.on C.No.1438/ rev/19 dated the 1-8-1919 (Confidential) from the Collector of South Kanara, to the Board of Revenue.

7. The gist of the Sub Magistrate's explanation is:--

My duties as custodian of the Tahsildar's keys during the latter's absence from headquarters are defined in para 7 of the Sub Treasury Manual and Board's Standing Order 182, para 10(v1) as follows:--

In the case of Taluk treasuries the duties of the officer who holds the keys of the Tahsildar during the latter's absence from headquarters are confined to

- i. the custody of the keys.
- ii. Opening and shutting the mainstore and the double lock stamp almyrah and being present in the Strong room whenever there are double lock transactions either of cash or of stamps.

iii. Being present at the verification of the balance under double locks whenever there is a transfer of charge and

Iv. Certifying to the correctness of the cash balance

381

2.

the closing day of the Sub Treasury Accounts and signing the cash balance report the account current, etc.

I have strictly adhered to these rules and there is nothing to show that I committed breach of any of them.

Further, it was under the rule the duty of the Sub Treasury officer to make an effective check by taking the contents of each bag of rupees and counting the notes in all the bundles and placing the same in the mainchest and also to initial the ~~max~~ entries in the shroff's balance sheet though as a matter of fact, in order to satisfy myself as to the correctness of the amount by rough verification I used to count the bags and the currency

8. There is no foundation for the defence that it is the duty of the sub treasury officer to initial in the shroff's balance sheet against the entries of moneys placed in double locks. It has all along been the practice for the Sub Magistrate when in charge of the Mansildar's keys to initial these entries and ~~for~~ this I take to be in recognition of his responsibility, arising under note (2) of article 16 of the Sub Treasury Manual for the correctness of the amount placed in double lock. The passage quoted from article 13 does not relate to initialling the entries but to the writing of the figures themselves. With regard to this a certain ambiguity does arise.

not on the Stationery Sub Magistrate./ I do not consider the Magistrate is correct in his contention that the latter part note (2) to article 16 " and should check the balance with the Tahsildar both when taking and handing over charge" has been - cancelled and wholly superceded by article 7(3),

"being present at the verification of the balance under double lock whenever there is a transfer of charge."

It is true that the wording of article 7 based on G.O. 2160 Revenue dated the 5th June 1918 says that the duties of the Sub Magistrate in charge of the Tahsildar's keys are confined to the four prescribed duties but I consider the two passages quoted in practice amount to the same thing.

9. The question for decision is simple. Note 2 to article 16 of the Sub Treasury Manual lays down "the Sub Magistrate in charge of the keys of the double lock receptacle should be answerable for its contents".

The Sub Magistrate's contention is that he was not bound by the rules to check the cash and notes placed in double lock.

He ignores note (2) to article 16 of the Sub Treasury Manual and puts forward the contention that under correction slip XX dated the 3th August 1918 the old note to article 7 "see notes under paragraph 16" has been cancelled and his duties while in charge of the Tahsildar's keys are as stated in article 7 confined to the four particular items of work mentioned there. The defence is ingenious no doubt but note 2 to article 16 still stands - uncanceled and that is enough to fix the responsibility on the stationery sub magistrate.

He omitted to make any effective check of the actual quantity of money under the 1. notes and whole rupees 'placed in' double lock, and thereby facilitated the embezzlement of Government money in his charge.

In all normal circumstances a Sub Magistrate has the duty of holding the Tahsildar's keys while the Tahsildar is on tour and posts of Deputy Tahsildars carrying no such duties are

exceptional, so I consider that the Sub Magistrate is not fit yet to hold an appointment to which such responsibilities are ordinarily attached.

10. Under Board's standing order No.126 (see page 228 item 3) Government reserve to themselves the power of reducing a Sub Magistrate (or Deputy Tahsildar) as he is an officer exercising Magisterial powers and consequently I submit the case for orders as I do not consider I can deal with it adequately. The Sub Magistrate admitted the facts on which the main charge No.3 is based viz. the omission to count the rupee One notes and weigh or count the whole rupees and this is of much greater importance than any failure to obey the exact letter of the rule in article 7 of the Sub Treasury Manual requiring his presence when the Tahsildar checks the double lock balance. Consequently no charge was framed for ~~disobedience~~ disobedience of the rules in article 7 as it is of minor importance though it is of greater importance than considering the conduct of the Tahsildar in this case.

*

II

Extract of para 4 of letter ref.C.No.1436/Rev/19 dated the 24th July 1920 from the Collector of South Kanara to the Board of Revenue, Land Revenue.

*

*

I am afraid that nothing more than Rs.1,753-14-10 as detailed above can be recovered and it seems to me impossible to hold the Sub Magistrate and much more so the Tahsildar responsible for the balance in view of the decision already passed by the Board in its reference 1157-19-2 (Confdl.) 104 dated the 4th September 1919 on the Sub Magistrate's case and in view of the fact that the Tahsildar was in camp and the Sub Magistrate was holding the Tahsildar's keys during the period when the embezzlement took place.

III

Letter No.F.H.5-4-17799 dated the 1st October 1920 from the Accountant General, Madras to the Board of Revenue, Land Revenue.

I have the honour to invite a reference to the correspondence ending with letter Ref.C.No.1436 Rev. of 19 dated the 24th July 1920 addressed to the Board by the Collector of South Kanara a copy of which also was forwarded to this office by the latter regarding the defalcation by the late Head Shroff of the Udipi sub-treasury and to request that a copy of the final orders on the case when passed by the Board of Revenue may be kindly communicated to this office.

As the Stationery Magistrate who held the Tahsildar's keys at the time of the defalcation appears also to be partly responsible for the loss since under note 2 under para 16 of the Sub Treasury Manual he was answerable for the contents of the double lock receptacle and since under instructional foot note in form XVII of the same Manual he was required to set his initials against the entry of each double lock transaction vide also in this connection para 8 of the Collector's Confidential Report to the Board Ref. on C.No. 1438 Rev. of 19 dated 1-8-1919, I would enquire whether any disciplinary action has been or is proposed to be taken against him.

IV.

Board's Reference No.B.954/20-4 dated 9th October 1920.

Defalcation (South Kanara) - Sub Treasury Udipi.

A copy of Board's Reference No.1157/19-2 (Confidential 104) dated 4th September 1919 will be communicated to the Accountant General.

2. The Accountant General is informed that on receipt of the Collector's letter C.No.1436 Rev. of 1920 dated the 24th July 1920 the Board has called on him to submit proposals for writing off the balance when all possible recoveries have been made and the amount credited to the Treasury.

Copy of Board's Reference No.1157/29-2 (Confidential 104) dated 4th September 1919).

On a careful consideration of the facts of the case the Board considers that the Sub Magistrate is not very seriously to blame in the matter. It is quite clear that the officer who has to make the actual detailed check is the Sub Treasury Officer the Head Accountant in this case. The Board doubts whether it is expected of an officer who merely holds the keys that he should do more than satisfy himself that the number of bags and the bundles of notes are correct. The general responsibility of the Sub Magistrate for the contents of the double lock cannot however be overlooked. Mr. R. Siva Rao is accordingly censured for his negligence.

2. The Collector is requested to expedite his proposals about the recovery of the amount lost to Government, as any delay may render recovery difficult.

Letter No. T.M. 5-4-2797 dated 6th November 1920 from the Accountant General, Madras, to the Secretary to the Board. Land Revenue.

I have the honour to acknowledge the receipt of the Board's reference No. 904/20-4 dated the 9th October 1920 communicating to this office a copy of its reference No. 1157/19-2 (Confid. 104) dated the 4th September 1919 passing orders regarding the share of the responsibility of the Sub Magistrate Mr. R. Siva Rao, in the Udipi defalcation case. It was held by the Board that the Sub Magistrate was not very seriously to blame in the matter and that as an officer merely holding the keys of the Tahsildar, it was not to be expected that he should do more than satisfy himself that the number of money bars and the bundles of notes received into the double locks were correct. I am unable to agree with this view.

2. It will be seen from article 312 and rules 1 and 2 under article 305 of the Civil Account Code, Volume I that it is ordinarily

7. 43

the duty of the Tahsildar as Sub Treasury Officer to check the contents of money bags and notes bundles by actual weighment and count and to satisfy himself of their correctness before placing them under double locks. During the absence of the Tahsildar on tour his duties in the above respect naturally devolve upon the officer who is empowered to hold his keys and it is accordingly laid down in note 2 under para 16 of the Sub Treasury Manual that a Sub Magistrate in charge of the keys of the double lock - - receptacle should be answerable for its contents. The fact note in Form No.XVII of the Sub Treasury Manual (Shroff's daily balance sheet) requiring the Tahsildar or Stationery Sub Magistrate to make in his own hand and initial ~~separately~~ every entry relating to the money taken out or placed into the main store also enforces the above responsibility. In the case under consideration, therefore as rightly pointed out by the Collector of South Kanara in para 9 of his letter Ref. on C.No.1438/Rev/19 dated the 1st August 1919 the Sub Magistrate, Mr. Siva Row, clearly failed in his - duties as holder of the Tahsildar's keys and thereby facilitated the embezzlement. The hollowness of the Sub Magistrate's contentions and the correctness of the Collector's views was also pointed out by this office in letter No.T.H.3-20593 dated the 19th - December 1919 in which certain amendments to paras 7 and 13 of the Sub Treasury Manual were suggested so as to define the duties of holders of Tahsildar's keys more clearly and unmistakably, and the Board has also approved of the amendments. (Board's Proceedings No.6 dated the 22nd January 1920).

3. Having regard to the above facts therefore it does not seem to me that the disciplinary action taken against the Sub - Magistrate, who is merely "censured for his negligence" is adequate. I would accordingly request that the Board may reconsider its orders in the light of the above facts and communicate to me the further action that it may be pleased to take in the matter, as the case will be included in the next appropriation report and it will be necessary to satisfy the Comptroller General, as to the adequacy of the - disciplinary action taken in the case.

From the Accountant-General, No.T.N.5-4-3763, dated the 20th December 1920:--

With reference to my letter No.T.N.5-4-2864 dated the 6th November 1920, forwarding copies of correspondence in connection with the collection at Udipi Sub Treasury, I have the honour to state that the Board of Revenue have informed me in their Reference No.954/20-5 dated the 22nd November 1920 that they consider that there is no need to reopen the question. I venture to observe that the remarks made in my letter No.T.N.5-4-2797 dated the 6th November 1920 (copy of which has already been furnished to Government) have not been adequately answered by the Board.

Endorsement to the Accountant-General, No.6467 D/20-1, dated the 3rd January 1921:--

Referred to the Accountant-General for remarks.

From the Accountant-General, No.T.N.5-4-981, dated the 14th January 1921:--

With reference to Government Order No.6467-D/20-1, dated the 3rd January 1921, forwarding for remarks Ref.No.B-954-20-6, dated 15th December 1920, from the Board of Revenue, about the irrecoverable loss of Rs.655-11-8 collected at the Udipi Sub Treasury, I have the honour to state that there is no audit objection to Government in the Financial Department sanctioning the writing off of the amount under Article 279 (a) of Volume I of the Civil Account Code.

B 4326/20 — Q

Aug 21. 12. 20

B⁰2247 121 - A

to Mr
S. Kanan

B 2247/21 — B to New Colors

B 2247/21 — a to AB

Ref B 2247/21-1

16/6/21

Defalcation - Udit. Ruk. Treasury

Balance uncollected - Recovery from
the Sty Pub. Magistrate's order.

Communicated to the Clerk

of S. Kansas for information.

2. Orders for the recovery of the uncollected bal^y of Rs. 653-11-8 from Mr. R. L. Siva Rao should be submitted at an early date.

3. In a case of defalcation in a sub treasure ~~nearby~~ the Stationary ^{at this} sub magistrate ^{who was in charge of the sub Pz then} set up ^{time} with defence that as custodian of the treasure keys, he incurred no more responsibility than that of being present during the double lock transactions Govt however ~~advised~~ did not accept the plea defence but held that all the duties of the Tahr as sub by officer devolved on the officer holding his keys during his absence on tour and that in the ~~present~~ case in question, the sub magistrate clearly failed in his duties and thereby

40

facilitated the embezzlement Cdr's
of all districts except Madras are
requested to instruct all Dy Tahs
Sdy Sub. magistrates & Sub registrars
about their responsibility ^{when in} ~~in the~~
charge of salt treasuries.
~~in the~~ They must be made to
understand that this is identical with
that of the Sub Tre officers.

B
15/6/21
M
15.6.21

To the Cdr. S. Kanan. ^M 15/6/21

Other Cdr's except Madras
(Kann 3 only)

Copy to A.G.

As Submitted for
approval

87
186

W
186

(Land Revenue)

Office of the Board of Revenue

(Land Revenue)

Madras, Dated/16-6-1921.

L.T. Harris Esquire B.Sc. I.C.S.

Commissioner of Land Revenue.

V. 186

Reference No.B.2247/21-1, dated 16th June 1921.-

Defalcation - Udipi Sub-Treasury - Balance uncollected-
Recovery from the Stationary Sub-Magistrate ordered.

3. In a case of defalcation in a sub-treasury, the Stationary Sub magistrate who was in charge of the sub-treasury at that time set up the defence that, as custodian of the treasury keys, he incurred no more responsibility than that of being present during the double lock transactions. Government did not accept the defence but held that all the duties of the Tahsildar as sub treasury officer devolved on the officer holding his keys during his absence on tour and that in the case in question, the sub-magistrate clearly failed in his duties and thereby facilitated the embezzlement. Collectors of all districts except Madras are requested to instruct all Deputy Tahsildars, Stationary Submagistrates and Subregistrars about their responsibility when in charge of Subtreasuries. They must be made to understand that it is identical with that of the Subtreasury Officers.

A. Mangalam
17621
for Secretary.

To the Collector of South Kanara.

The other Collectors except Madras. (Para 3 only)

Copy to the Accountant-General

G.R. 16/6/21.

BAK
176

THE ACCOUNTANT-GENERAL,
Post Box No. 801,
MADRAS, E

B 2417 40



Fort St. George, the 16th of June 1921.

No. Sk. 15-- 1268

THE ACCOUNTANT-GENERAL,

MADRAS,

To

ENCLOSURES.

The Secretary to the

Board of Revenue, (Land Revenue)

M a d r a s.

Maybe filed with connected
papers. Ref. to Col. + copy to A.G.
have been
~~consider~~ ~~consideration~~ ~~at~~ ~~consideration~~

SIR,

With reference to G.O.No. Mis. 1206 Revenue dated 31-5-21

refusing to accord sanction to the writing off of the amount of Rs.655-11-8 embezzled in Udipi Sub-Treasury and directing that the amount should be recovered from the Stationary Sub-Magistrate M.R.Ry. R.Siva Rao in such instalments as may be considered reasonable, I have the honour to request that this office may be furnished with a copy of the Board's orders fixing the period and the amount of the monthly instalments of recovery.

The favour of an early reply is requested.

I have the honour to be,

Sir,

Your most obedient servant

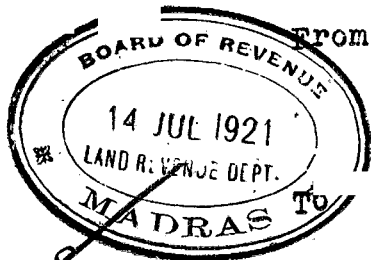
As A Wood

Asst. Accountant-General.

muks

Ref.No.3673-21-v2.

49 South Kanara Collector's office,
Mangalore, 11th July 1921.



R. H. Ellis, Esquire, I.C.S.,
Collector of South Kanara.

The Secretary to the Board,
Land Revenue, M a d r a s.

AS File & remind of record

104508

+ on 1-9-21 W.A. Board's Reference No. B.2247-21-1, dated 16th June 1921.
Defalcation - Udipi Sub Treasury - Balance uncollected -
Recovery - Proposals submitted.

B 157. 216.7.21 2M 6M

M.R.V. R. Shiva Rao, has applied for one month's time
to pay the amount of Rs.655-11-8 in a lump sum. Accordingly
the amount will be collected in full within a month..

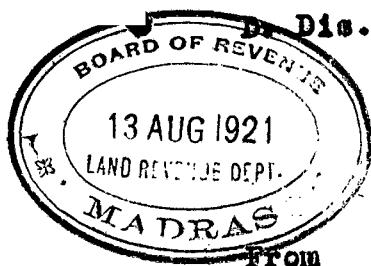
P. M. Ambra
Collector. 12/7/21

12 JUL 1921

12/7/21

12/7

50



Dis. No. 3673--21--V--2.

B 3356

South Kanara Collector's Office,
Mangalore, dated 9th August 1921.

From

R. H. Ellis, Esq., I.C.S.,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue, M a d r a s.

Board's Reference No. B. 2247/21--1 dated 16th June
1921 ---- Amount of Rs. 655--11--8 collected.

M.R.Ry. R. Shiva Rao has paid on 3rd August 1921 into
the treasury the sum of Rs. 655-11-8 ordered to be collected
from him in the reference quoted above.

For Collector.

For Collector.

11-8

11 AUG 1921

one
 $\frac{1}{S}$
 $\frac{1}{As}$

5]

Fr. N. 937
 22-8-4

B 3356/21 — A

Res (ms) Defalcation (S. Kamm) - Adipinibitry-

- Ball's unneeded - recovered from str int magistral

Recorded.

$\frac{B}{161872}$ H
 1684

22 17621
 8

copy to A-8

$\frac{Am}{23874}$

165
 25

$\frac{176}{1878}$

OFFICE NOTE.

Subject Defalcation (South Kanara) - Udipi
Sub Try

FROM Colly - South Kanara

B. Register No. 957/20.

To Asst. Secy

For orders int. ther in the cir-
cumstances reported by the Colly his
proposal in para 8 of his letter to
release the house and garden from
attachment and to refund the value
of the movables ^{xx} claimed by the widow
may be approved.

2 The total amount lost was Rs 2448-0-
out of this a sum of Rs 1681-1-0
has practically been realised. Para 9
of the Colly's present letter shows that
there is a likelihood of ~~a further~~ ^{more} being
realised His separate report about this
may be awaited

15-5-22 (17.5.22) xx With regard to the moveables none
of the reports of the Colly has given details
of the two policies of the Bharata Sahasra

17/5/22

17/5/22

1000-0-0
500-0-0
180-0-0
31-1-0
7681-1-0

excluding the value of
the moveables admitted
by the widow to belong
to her husband

1000-0-0

500-0-0

180-0-0

31-1-0

7681-1-0

1000-0-0

500-0-0

180-0-0

31-1-0

7681-1-0

1000-0-0

500-0-0

180-0-0

31-1-0

7681-1-0

1000-0-0

500-0-0

180-0-0

31-1-0

7681-1-0

Provident Fund he may be requested to consider + item 84 on p. 5 in (E).
the possibility of recovering any moneys due
on these. The widow is ^{shown} ~~stated~~ to have stated
that this is one of the articles belonging to her
husband p. 5 in (E)

M
18520

DM
9520

To Asst Secy

Draft submitted

Hm
20-5-20

Draft has been initiated by

M
21520

Done

21520

[Board's Ref B 954/20-2 d 21-5-20]

[Colt's reply d 5-6-20 (B 1865/20)]

To Asst Secy

In the circumstances reported by the
Colt no action in the matter is neces-
sary. The current may be filed and the
Colt's further report awaited.

#18419cf
p. 20

M
21520

Hm
216-6-20

JCS

6620

DM

17620

Appn.

(The reference of 21.5.
should have been
shown to me.)

[Board's Ref B 954/20-2 d 21-5-20]

#18419cf

[Colt's reply d 24-7-20 (B 2445/20)]

To Asst Secy

Draft submitted (1-23 cf)

Hm
30-7-20

M

280

1/2 passed
JCS

efg

M
20-11-20

#21623

X

Hm
 2.10.20
 8100/91020
 Ca
 JSM
 PT
 a. 1820

Board's Ref^a - B. 9.54/20-4 219-10-20
 A.G.'s letter No T.M. 5-4-2797 of 6-11-20
 B. 3961/20

The A.G. considers that the disciplinary
 action taken against the sub magistrate
 Mr. R. Sura Rao of Udipi is not
 adequate and requests that the Board
 may reconsider its orders on the ground
 that the responsibility of the officer
 during his charge of the Sub Trg
 greater than what the Board
 thought it to be

The facts of the case were fully
 discussed at PP 3-6 n.f. of BP
 Press no 6 of 22-1-20. The then Mr.
 orders are at 11.7 n.f.

The file containing the Sub magis-
 trate's explanation was returned
 to the Coll. The gist of his exp
 is at P. 8-9 cf. of (D)

For orders if the Board will re-
 consider its orders

(P.T.O)

"look was" means "look" years

Of the authorities quoted by the H.C. 2 of the letter, rule 102 under Art 305 of the Civil Act. Code were considered & discussed upon. ^{It may be seen from the discussion that} The Honble Mr. Lloyd, then the A.R. Member doubted whether it is expected of an Officer who merely holds the keys that he shd. do more than satisfy himself that the no. of bags & the number of 100 notes are correct - accordingly orders that alcasure would be sufficient.

The other authorities now cited by H.C. 2 of the C.A.C. This simply says that the procedure in regard to the receipt, custody, & payment of money at dist. treasuries generally applicable to Sub treasuries also. It cannot however be seen how this can ~~long~~ carry the matter any further than on the previous occasion. It might also be observed that in his last letter, the A.G. was simply intent with pointing out that the Col. had answered the contentions of the S.M. & to suggesting amendments paras 7 & 13 of the Sub Ty Manual to render their intention clear. His consideration whether the order of the Honble Mr. Lloyd will have to be reconsidered. As a matter of experience it may be submitted

"look the Clerk" 4 & 6 M. The Honble Mr. Lloyd the S.M. took under para 7 of the Sub Ty. Manual as noted by C.D. No. 2160 Res. of 15.6.10 & was particularly of the nature of the note wh. existed under the old para. (p. 3. Sub Ty Manual)

This was taken into consideration in assessing the present matter.

A
On this view, as are
would be responsible
in the absence of the
Faler. It is a
matter of checking
each bag, & count.

If the Shroffs know
that the officer concerned
is there merely as a
dummy, & will not
exercise any check
at all, they have
an excellent oppor-
tunity for camouflage.

that it would be hard to expect officers
holding charge of mess, submag, submagazine
& sub magazines in the absence of the Faler
officers to be count the contents of each
bag & bundle of the notes before taking
downing charge, etc. In addition.

M

13.11.20

A

It would be dangerous
to relax the rule for this
reason. Further, - procedure
for verifying cash balance
is given in art 329 C.A.C. -
whole rupees - to be weighed by bag &
small notes - checking: with
assistance of clerks.

200

15000

To 15

Subsequent to the submission of the above note, it occurred to me
that I might add the following to the note...

P.S. Sub Tgy Mtl

Under ^{para} 14-A of the Sub Tgy Manual the Shroff
who makes up each money bag shd. place
in each bag a slip "Shroff's slip" before the bags
are received into double locks. This no doubt
does not ^{of course} absolve the ~~responsibility~~ officers from it.

responsibility for the contents of the bags, but it is submitted that it is on this that officers generally rely & much more so officers holding charge of duty. They ought not to

Key -
M.
15.11.10

IIA's note doesn't amount to much more

than this - that in practice the rules are not observed and therefore we can't hold anybody responsible! I'm afraid that won't do.

I must say that I think the S.S.M. got off very lightly. Mr. Pate's view of his responsibility is at n.d n.f. of (D). Mr. Lloyd's order is on the next page. Perhaps Mr. Lloyd would have taken a more drastic view if he had had the rules before him - as he had not when he passed the order

However the matter was closed 15 months ago, and I don't think there is any need to re-open it now.

I agree
N.V.
18.11.10

C. 16.11.10

What really happened (I was informed) was that the Tab. came to know that the extra stuff was in the kitchen of inappropriate money, & that the balance was rushed into camp for about ten days to throw the responsibility on the S.S.M. Returning from camp the Tab. began the exam. at night ~~going~~ when he would see

have time to complete it this
gave the chaff on opportunity to
make good the deficit before he
resumed the check in the morning
The chaff could not raise the
money, so the scheme failed,
the T.M. the engaged blame
M.L.
18.11.20

To Asstt. Secy
Draft Submitted

BW
20.11.20
M
20.11.20
Jone
M
22.11.20

P 23 Cf Board's Refe 754/20-3 of 4.

P 30 Cf B. 4326/20

To Asstt. Secy.

The Call no 400

of Rs 1786-5-2 has been recovered.
As no further recoveries are possible
he recommends that the balance
of Rs 655-11-8 may be written off the
accounts. Govt may be addressed as
their sanction is necessary since the
amount exceeds Rs 50

Draft Submitted

BW
8.12.20
11.12.20
M
12.12.20
M

P. 124 of Try. Manual Vol I.

J.M.
16.12.20

Ref no B 954-20.63, 16.12.20
B 2247/21

JS

Draft submitted on page 34

Q

Perhaps a copy to go
except the last two sentences

6/6/21/21

may be communicated to all
C.O.s. for the information
of all later & sub marks
x

Yes, but
not all
names: we
want to in-
struct, not
to pillory

Sub marks registrars

who hold later keys. want to in-
struct, not
to pillory

This would be advisable as I think
most Sub marks and Sub Registrars
do not think that their responsibility
is as great as that of S.T.O's

Ans
9.6.

They must understand that it is identical: any
other position is impossible

17.6.21

JS

Revised draft is enclosed

15.6.21

15.6.21

15.6.21

15.6.21

13.6

13.6

13.6

13.6.21

13.6.21

13.6.21